

MINUTES OF THE  
MALIBU CITY COUNCIL  
REGULAR COUNCIL MEETING  
February 26, 2001  
HRL Auditorium  
6:30 p.m.

**CALL TO ORDER**

Mayor Hasse called the meeting to order at 6:42 p.m.

**ROLL CALL**

The following persons were recorded in attendance:

PRESENT: Mayor Thomas J. D. Hasse, Mayor Pro Tem Joan House, Councilmembers Sharon Barovsky, Jeffrey Jennings and Kenneth Kearsley.

ALSO PRESENT: Interim City Manager Christi Hogin, City Attorney Steven Amerikaner, Public Works Director Charles Bergson, Planning Director Barry Hogan, Sheriff Calley Barrier and City Clerk Virginia Bloom.

**FLAG SALUTE**

Bill Koeniker led the Pledge of Allegiance.

**CLOSED SESSION REPORT**

City Attorney Amerikaner reported that the Council meet in Closed Session at 5:30 p.m. to discuss the items no. 1 & 2 listed on the Closed Session Agenda relating to Existing litigation per Government Code Section 54956.9 (a) and a Personnel matter pursuant to Government Code Section 54957. It was reported that the Council took no reportable action with respect to item no. 1, existing litigation matter and continued item no. 2, the personnel matter to the next regular City Council meeting.

**APPROVAL OF AGENDA**

Motion by Councilmember Kearsley, seconded by Councilmember Jennings to approve the agenda, passed by unanimous vote.

**REPORT ON POSTING OF AGENDA**

City Clerk Bloom reported that the agenda was posted, pursuant to the Government Code on February 16, 2001.

**1. CEREMONIAL/PRESENTATIONS**

None.

**2. WRITTEN AND ORAL COMMUNICATION FROM THE PUBLIC**

Emily Harlow, Emergency Decal Coordinator, told the Council she was worried about a breach of security of the program by City staff and asked the Council to judiciously resolve the matter. She reported that 500 decals had been removed by City staff without her notification and that she could not be responsible for those decals. She stated the program is a community service program of which the operational duties are approved by the Sheriff Department, Fire Department, California Highway Patrol and the City. She distributed the approved guidelines to the Council for their review.

Ruby Fader commended Ms. Harlow's administration of the Emergency Decal program from its inception in 1992. She advised that the program had been operated by volunteers that had been trained for the specific guidelines of the Sheriff's Department. She stated that City staff had audited the program and had interfered with the administration of the program.

Ryan Embree, Public Safety Commissioner Chair reported on the Commission activities for the month of February, 2001.

Mayor Hasse asked Interim City Manager Hogin to respond to questions relating to the Emergency Decal Program. Interim City Manager Hogin explained the purpose of the Decal Program. She stated that the integrity of the program had been questioned, therefore she directed the City Auditor to review the program. City Treasurer/Auditor Lippman had audited the program and made management recommendations for improvement. She directed Hap Holmwood to implement those recommendations, i.e. supplies to be maintained by City Hall, etc. She explained that the Homeowners Association of Malibu West asked to be trained in the program for distribution of the decals and it was her opinion that the program had not been compromised by this. She regretted that Ms. Harlow's feelings were hurt. She stated that the integrity of the program is sound in its operation by Ms. Harlow at this time.

**COUNCIL COMMENTS**

Mayor Hasse stated that the Decal Program was supported by the entire Council and thanked Ms. Harlow and all the volunteers for their efforts, but that this matter was only a change of administration. He reported on the various meetings attended to date and commended the Malibu Film Festival on the success of their event.

Mayor Pro Tem House stated that she hoped the program continued and thanked Ms. Harlow and the volunteers for their service. She reported on the Land Use Subcommittee meeting. Mayor Pro Tem House asked the Council for approval of a letter to CalTrans for permission to install the City's 10<sup>th</sup> Anniversary Banners by March 1<sup>st</sup>. She reported attending the staff luncheon, the Council of Governments

meeting and the Paradise Cove Homeowners Association meeting.

Councilmember Barovsky stated that she hoped the program continued and reported that she also attended the Paradise Cove Homeowners Association meeting, the Malibu Park Homeowners Association meeting and the staff luncheon.

Councilmember Kearsley stated that he too attended the Paradise Cove and Malibu Park Homeowners Association meetings. He applauded all the volunteers for their work on the decal program.

Councilmember Jennings reported that he attended the Malibu Park Homeowners Association meeting. He thanked the decal program and its volunteers and stated he hoped it continued to work. He commended the Malibu High School Boys Soccer Team for winning the CFI Championship game.

### 3. CONSENT CALENDAR

#### A. Previously Discussed Items

None.

#### B. New Items

##### 1. Waive further reading

*Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.*

##### 2. Approve Warrants

*Staff recommendation: To allow and approve warrant demand numbers 15930 through 16038 from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 226 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, making a total of \$794,487.11 including payroll check numbers 2057 through 2088.*

##### 3. Approval of Minutes

*Staff recommendation: Approve minutes of January 22<sup>nd</sup> Regular, January 23<sup>rd</sup> Quarterly, and February 5<sup>th</sup> Special City Council meetings.*

##### 4. Nomination for Older Americans Recognition Day

*Staff recommendation: Receive and file nomination of Hayden Gallagher.*

##### 5. Approval of Malibu Colony Utility Undergrounding Project

*Staff recommendation: Approve Contracts for preliminary consultant work to begin the formation of an assessment district.*

##### 6. Approval of Agreement with Southern California Edison for Use of Utility Poles for Special Event Banners

*Staff recommendation: Approve Agreement.*

##### 7. Update on Civic Center Design Guidelines

*Staff recommendation: Receive and file.*

Councilmember Barovsky pulled Consent Calendar Item No. 3.B.7. for discussion.

MOTION by Mayor Pro Tem House, seconded by Mayor Hasse to approve Consent Calendar Item Nos. 3.B.1 through 3.B.6. passed by unanimous vote.

3.B.7. Update on Civic Center Design Guidelines

*Staff recommendation: Receive and file.*

Planning Director Hogan said the guidelines were complete with staff working on the final touches to the exhibits. He asked the Council to direct this matter to the Planning Commission for review, then it would come back to the Council at its meeting of March 12<sup>th</sup> for discussion. He stated that staff had met with various neighborhoods to develop the neighborhood standards and had also met with the two proposed developers regarding their projects.

Councilmember Barovsky asked which neighborhoods had staff meet with and stated that more noticing of these meetings would need to be included for future meetings. Planning Director Hogan answered that staff had met with Malibu Knolls, Serra Retreat, and the Condos at Civic Center by contacting them through the Homeowners Association Presidents for meetings held at City Hall. Councilmember Barovsky stated that both the Colony and Malibu Road needed meetings with staff on this issue.

Councilmember Kearsley asked when the presentations would take place. Planning Director Hogan answered that March 5<sup>th</sup> the matter would be presented to the Planning Commission and then back to the Council at their March 12<sup>th</sup> meeting.

Councilmember Kearsley made a MOTION to suspend negotiations of the Council Ad Hoc Committee with the two developers to hold the projects in place until the design guidelines were presented to the Council. Councilmember Barovsky seconded the motion.

Councilmember Jennings commented that the process needed to be regularized and asked staff if they would be able to meet with the various HOA by the Planning Commission meeting of March 5<sup>th</sup>?

Councilmember Kearsley stated that he did not want to see the Ad Hoc negotiations affect the design guidelines until they had been presented to the Council. Councilmember Barovsky concurred that community input was needed on the proposed guidelines and that freezing the Ad Hoc negotiations was in the best interest of the community.

Mayor Hasse stated that the Crummer project was for sports fields and that the La Paz project was for a City Hall which were not binding agreements but recommendations only. He assured the Council that nothing relating to the development agreements would come to the Council for approval prior to the Council approving the design guidelines.

Mayor Pro Tem House questioned the appropriateness of the motion and stated that the design guidelines approved by the Council would apply to all development agreements. She stated that to suspend the Ad Hoc Committee negotiations at this time would be questioning the good faith efforts the negotiations have been made with the developers.

Councilmember Kearsley said that questions could be answered; the second of the motion concurred.

Councilmember Jennings stated that there was no connection between the Ad Hoc negotiations and the design guidelines. He added that the Ad Hoc Committee was working hard but added that staff needed to be brought into the negotiations to regularize the procedures.

Councilmember Barovsky withdrew the second. The motion failed for lack of a second. MOTION by consensus to receive and file report passed by unanimous vote.

**4. ORDINANCES AND PUBLIC HEARINGS**

None.

**5. OLD BUSINESS**

**A. Approve Traffic Information Emergency Radio Property Agreement**  
*Staff recommendation: Approve Agreement.*

Interim City Manager Hogin reported that this was an exclusive agreement to the City for free use of the land at Point Dume for this Emergency Radio System.

Ryan Embree said this is an incredible donation of land to the City for this use and cautioned the City to consider future competition as a clause in the lease agreement.

Councilmember Jennings questioned the jurisdiction of a “no interference” clause in the lease agreement. City Attorney Amerikaner offered that it could be done through a contract and that future users of the site could be tested.

MOTION by Councilmember Kearsley, second by Councilmember Barovsky to

approve the agreement passed by unanimous vote.

B. Dial A Ride Services

*Staff recommendation: 1) That the City Council amend the policy for Dial A Ride services limiting the program to transportation for medical purposes only; and, 2) Approve the agreement with Malibu Yellow Cab to continue providing Dial A Ride services.*

Interim City Manager Hogin presented the staff report to the Council.

Carol Randall said she supported the program and asked why funds from Proposition A & C were reduced?

Ryan Embree stated that this program was over budget and was intended for people who are unable to drive. He suggested a \$250 cap per person being placed on the program.

Interim City Manager Hogin said that the City is very committed to the program and that transportation needs of the community were not all being met. The program would not eliminate trips to Santa Monica, however noted the policy being proposed is to limit trips to medical to help keep the program within budget. She explained that Proposition A & C funds were reduced due to the City losing its "New City" status after 10 years.

Councilmember Barovsky stated that she could agree to limit the trips to Santa Monica for medical but wanted unlimited trips within the City. She thought a cap per person might work, excluding medical trips.

Councilmember Kearsley agreed not to limit the trips within the City limits and invited staff to his job to review program for tracking abusers of the program.

Councilmember Jennings asked about the record keeping and how to track the cap per person?

Mayor Pro Tem House stated that the County should be asked to assist the City with these costs and suggested an alternative program as an option such as a punch card per person, which would be free for all medical trips.

Mayor Hasse said he supported the idea of a cap per person, however to exclude all medical and food trips. He asked if the persons using the program have been notified of the funding needs and suggested publishing a notice and contacting the senior citizen groups.

Interim City Manager Hogin said that the budget numbers for limiting the trips to medical and food were not available and asked that this item be continued to request the County's participation, corporate sponsorships and participation of funding by riders.

It was the consensus of the Council to continue to this item to a date uncertain.

**6. NEW BUSINESS**

**A. Contract Renewal for Governmental Impact**

*Staff recommendation: Consider renewing Professional Services Agreement.*

Interim City Manager Hogin presented her staff report on this item.

Jim Dantona of Governmental Impact reported to the Council that he had been working on AB885, the LCP, and the Budget Chair on drug rehabilitation facilities,

Councilmember Kearsley asked Interim City Manager if the Lobbyist reports were on file with her office? Interim City Manager Hogin answered that a summary of activities was on file, however no new reports since her arrival in October of 2000. Councilmember Kearsley asked Mr. Dantona if he was aware that reports were due? Mr. Dantona said he has provided oral reports to the City Manager, Mayor and Mayor Pro Tem. Interim City Manager Hogin stated that she has spoken to Mr. Dantona regarding his contract. Councilmember Kearsley asked Mr. Dantona of his work on the drug rehabilitation matter? Mr. Dantona said he studied for legislation action on this matter and has had meetings regarding the same.

Councilmember Jennings stated that the contract was difficult to understand; Mr. Dantona answered that the contract was on a retainer basis, not hourly basis. Councilmember Jennings said that details need to be reported for verification of the City's position and that the contract is clear on responsibilities which needed to be followed.

Councilmember Barovsky quoted section 3.1 "Summary of Activities" and itemized bills of expenses and asked that this matter be continued pending this information. She asked Mr. Dantona how he would report his activities? He answered that he had provided both written and oral reports to the former City Manager but not to Interim City Manager Hogin.

MOTION by Councilmember Jennings for a one month extension to the contract and to continue discussion of this item to the March 12<sup>th</sup> Council meeting.

Mayor Hasse stated that Mr. Dantona has worked with 3 City Managers during the term of his contract. He stated that oral reports were needed, as well as written reports but that caution was needed as to the written reports. He suggested that the Councilmembers call Mr. Dantona directly with their questions. He pointed out that the Council adopted its legislative agenda in November of last year which Mr. Dantona helped to develop. He offered that Mr. Dantona has worked with the Council on their priorities for the legislative agenda. He stated that the lobbyist could not be held accountable for what happens in the legislation.

Councilmember Kearsley stated that he wanted to review the State reports. Mr. Dantona stated that he has always kept the City Manager informed as to his activities.

Councilmember Barovsky concurred that she wanted to see the reports in order to review the contract for renewal.

MOTION by Mayor Pro Tem House, seconded by Councilmember Barovsky, to extend the contract for one month and continue to this item to the March 12<sup>th</sup> Council meeting. Motion passed by unanimous vote.

**ADJOURN** At 8:10 p.m. Councilmember Barovsky moved, seconded by Councilmember House, to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of the City of Malibu on April 9, 2001.

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MAYOR THOMAS J.D. HASSE

ATTEST:

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VIRGINIA BLOOM, City Clerk  
(seal)